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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,112	03/30/2004	Teiyu Goto	SCEP 21.084 (100809-00238)	5160
26304 7590 04/13/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER MAGEE, CHRISTOPHER R	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/814,112	Applicant(s) GOTO, TEIYU	
	Examiner Christopher R. Magee	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments, see pages 6-9 of the Remarks, filed 03/27/07, with respect to the rejection(s) of claim(s) 1-8, 10 and 11 under Ohira (JP 11-120740) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ota (JP 04-362530).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 1-8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick et al. (hereinafter Schick) (US 5,995,346) in view of Ota (JP 04-362530).
- Regarding claim 1, Schick discloses a disk cartridge, comprising:
 - a cartridge main body 10; and
 - a round plate-shaped disk 14 rotatably housed within the cartridge main body,

the cartridge main body including an opening facing the disk and a shutter 16, which opens and closes the opening, wherein a part of the cartridge main body is formed in an approximately semicircular shape [col. 3, lines 22-29; Figures 2 and 6].

- Regarding claim 3, Schick shows the shutter 16 has the same axis of rotation as that of the disk and is pivotably provided for the cartridge main body [Figure 4].

- Regarding claims 5 and 7, Schick shows the cartridge main body has a groove 35 formed in a direction in which the disk cartridge is inserted into a drive device, the groove 35 having an end at a part of a circumferential portion of the region in the approximately semicircular shape [Figure 2]; and

the shutter 16 has a projecting portion 17 protruding toward the groove 35 [col. 5, lines 13-16; Figure 2].

- Regarding claim 9, Schick discloses a drive device to which a disk cartridge is inserted, comprising:

a mechanism which is engaged with a projecting portion of a shutter, the projection portion protruding toward a groove formed in the cartridge main body, so as to turn the shutter to open it when the disk cartridge is inserted [col. 5, line 59 to col. 6, line 3; Figures 8A-8F].

- Referring to claim 4, Schick shows the shutter 16 has the same axis of rotation as that of the disk and is pivotably provided for the cartridge main body [Figure 4].

- Referring to claims 6 and 8, Schick shows the cartridge main body has a groove 35 formed in a direction in which the disk cartridge is inserted into a drive device, the groove 35 having an end at a part of a circumferential portion of the region in the approximately semicircular shape [Figure 2]; and

the shutter 16 has a projecting portion 17 protruding toward the groove 35 [col. 5, lines 13-16; Figure 2].

Regarding claims 2, 10 and 11, Schick teaches all the features, *supra*, except the cartridge main body having electric terminals in a region other than a region in the approximately semicircular shape and that transmit electronic signals indicating the type of the medium from the electric terminal to the external device.

In regards to claims 2 and 10-12, Ota teaches a cartridge identification sensor 113 with terminals that reads the identifier of the cartridge and discriminates the type of optical disks [Ota; Constitution]. Ohira also discloses a process in accordance with the type of medium [Figure 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disk cartridge of Schick with a cartridge identification sensor as taught by Ohira.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the disk cartridge of Schick cartridge identification sensor as taught by Ohira in order to properly identify the type of medium [Ota; Constitution].

Conclusion


4. The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure has been annotated on PTO-892.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christophet R. Magee
Patent Examiner
April 11, 2007


Andrea Wellington
Supervisory Patent Examiner
Art Unit 2627